

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT INVITATION TO BID FOR SFTS SB CONTRACT NO. 79HM-110 NOTICE IS HEREBY GIVEN that sealed Bids will be received until the hour of 2:00 p.m., Tuesday, November 16, 2010, at the District for the referenced Contract as set forth below, at the District Secretary's Office, 23rd Floor, 300 Lakeside Drive, Oakland, California 94612 (mailing address: P.O. Box 12688, Oakland, California, 94604-2688) for **SFTS SB, Contract No. 79HM-110**. Such Bids will be opened publicly and announced at the said hour and date in the 23rd Floor Conference Room No. 2382T, Kaiser Center Building, 300 Lakeside Drive, Oakland, California. Bids will thereafter be accepted or rejected by the District. The Bidders are responsible to ensure their Bids are received at the time and location specified. The time for receipt of Bids may be extended by the District's General Manager, or authorized representative, from the Bid Opening date, wherein the Bid Opening date shall be provided by the District at a future point in time. Notice of such extension will be published at least once in a newspaper of general circulation in the District, which publication will be at least ten (10) Days before Bids are formally received and opened. The Work includes upgrades to vehicle access control near a BART facility in San Francisco, including, but not limited to, providing all labor, equipment, materials and services required to fabricate and install concrete barriers and bollards, as well as purchasing and installing a designated barrier gate and associated equipment for a vehicle access control system. All barriers and bollards will be attached to a concrete slab and concrete barriers may, at the District's option, require architectural treatments. Contractor shall also perform work related to the relocation of a transformer, including coordination with PG&E. PG&E will de-energize, remove and dispose of transformer, provide and set new transformer and perform final connections and energize; all other work is Contract work. The majority of the work will be during the hours of 7:00 a.m. and 7:00 p.m. It is anticipated that certain activities which impede on the existing fire lane will be performed between the hours of 10:00 p.m. and 4:00 a.m. There is some marine work. The Contract duration is 295 Days from Notice to Proceed. The estimated value of this Contract is \$6,000,000.00 to \$8,000,000.00. Contractors and Subcontractors shall use small, minority, woman-owned, and disadvantaged business concerns to the extent practicable. **Any prospective Bidder intending to participate in the bidding process must sign a Non-Disclosure Agreement for Release of Security Sensitive Information for Bidding Purposes (Agreement) with the District. The Security Sensitive Information as defined in the Agreement includes, but is not limited to, the Bid Documents. The Agreement may be obtained from the Office of the District Secretary by submitting a written request, in**

the form of Attachment 1 to this Invitation to Bid, to the District Secretary by fax to (510) 464-6011 or by mail at the mailing address: Office of the District Secretary, San Francisco Bay Area Rapid Transit District (BART), P.O. Box 12688, Oakland, CA 94604-2688. In order to participate, this written request must be received by the District Secretary by 4:00 p.m. on Tuesday, July 6, 2010. Prospective Bidders must provide the District with a list of all individuals anticipated to be granted access to Security Sensitive Information (SSI) and/or who will participate in the mandatory pre-Bid meeting and mandatory site tour. A deposit in the form of a certified or cashier's check, valid for at least six (6) months, drawn in favor of the San Francisco Bay Area Rapid Transit District in the amount of five thousand dollars (\$5,000) as guarantee of compliance with the conditions of the Agreement is required. If the Contract is not executed within the period that the certified check or cashier's check is valid, the prospective Bidder shall, as necessary, extend the effective date of the certified or cashier's check. If the prospective Bidder does not extend the effective date of the certified or cashier's check, the District will cash the certified or cashier's check and hold the cash as a guaranty deposit until all SSI is returned or the Contract is executed. Prospective Bidders shall attach to the Agreement a copy of a valid government issued photo identification (ID), preferably a driver's license, for each listed individual. The executed Agreement, the required \$5,000.00 deposit, IDs and the Social Security Numbers (listed only in Exhibit A-1 of the Agreement), must be received by the District Secretary at the address contained herein by 4:00 p.m. on Tuesday, July 27, 2010. In order to protect the confidentiality of prospective Bidders confidential information, the prospective Bidder is requested to hand deliver to the District Secretary at the address contained herein, two sealed envelopes as follows: In one sealed and opaque envelope labeled Confidential Information and SSI for Contract No. 79HM-110, enclose the IDs and Exhibits A-1 and A-2 to the Agreement. In the other sealed and opaque envelope labeled Agreement and check for Contract No. 79HM-110, enclose the certified or cashier's check and the Agreement (excluding the IDs, and Exhibits A-1 and A-2). Prospective Bidders attention is directed to Section 6 of the Agreement that requires, before prospective Bidder discloses any SSI to a third party (Subcontractors, Suppliers, Consultants and other third parties), such third party must execute the Third Party Non-Disclosure Agreement for Release of SSI for Bidding Purposes (Third Party NDA for Bidding) and complete a security screening. The Third Party NDA for Bidding

may be obtained from the Office of the District Secretary by submitting a written request, in the form of Attachment 2 to this Invitation to Bid, to the District Secretary by fax to (510) 464-6011; by mail at the mailing address: Office of the District Secretary, San Francisco Bay Area Rapid Transit District (BART), P.O. Box 12688, Oakland, CA 94604-2688. Such third party must provide the District with a list of all individuals anticipated to be granted access to SSI and/or who will participate in the mandatory pre-Bid meeting and mandatory site tour. The third party shall attach to the Third Party NDA for Bidding a copy of a valid government issued photo identification (ID), preferably a driver's license, for each listed individual. The executed Third Party NDA for Bidding, IDs and the Social Security Numbers (listed only in Exhibit A-1 of the Third Party NDA for Bidding), must be received by the District Secretary at the address contained herein by 4:00 p.m. on Tuesday, July 27, 2010. In order to protect the confidentiality of the third party's confidential information, the third party is requested to hand deliver to the District Secretary at the address contained herein, two sealed envelopes as follows: In one sealed and opaque envelope labeled Confidential Information and SSI for Contract No. 79HM-110, enclose the IDs and Exhibits A-1 and A-2 to the Third Party NDA for Bidding. In the other sealed and opaque envelope labeled Third Party NDA for Bidding for Contract No. 79HM-110, enclose the Third Party NDA for Bidding (excluding the IDs, Exhibits A-1 and A-2). It is expected that the mandatory pre-Bid meeting and the mandatory site tour will occur in mid-September 2010. Persons wishing to attend the mandatory pre-bid meeting and mandatory site tour must pre-register no later than August 31, 2010 with the Contract Administrator, Gloria Abdullah-Lewis, at (510) 464-6547 or email gabdull@bart.gov. Prospective Bidders shall specify which of their representatives attending the mandatory pre-Bid meeting will also participate in the mandatory site-tour. More than one site tour date may be available, but any individual may attend only one tour. Any Bidder that fails to send a representative to the mandatory pre-Bid meeting and the mandatory site tour will be disqualified from bidding. Only individuals that have passed the Security Clearance will be allowed to participate in the mandatory pre-Bid meeting and mandatory site tour. At the mandatory pre-Bid meeting, the District's requirements related to bidding on this Security Sensitive Contract will be explained. Bidders are encouraged to have all their representatives and all third parties that have successfully completed the security clearance attend the mandatory pre-Bid meeting and mandatory site tour in

order to better prepare the Bids. The District will allow a second opportunity for third parties to submit Third Party NDAs for Bidding following the mandatory pre-Bid meeting and mandatory site tour. Such additional third parties must submit their completed Third Party NDAs for Bidding by 4:00 p.m. on Tuesday, September 28, 2010. It is anticipated that a second site tour in late-October will be conducted for third parties that have completed the Security Clearance after the initial mandatory site tour. The District will protect all confidential information from unauthorized disclosure. The IDs and Social Security Numbers will be used only for a law enforcement check to compare the names against the Federal Bureau of Investigation (FBI) Terrorist Watch List. Only individuals who pass the Security Clearance will be allowed access to the SSI and participation in the mandatory pre-Bid meeting and mandatory site tour. It is anticipated that within fourteen (14) Days after the deadline for receipt of the executed Agreement/Third Party NDA for Bidding, the \$5,000.00 deposit, IDs and Social Security Numbers, the District will notify the prospective Bidders/third parties about the results of the Security Clearance. Such notification will be sent along with a copy of the executed NDA, to the address provided by the prospective Bidder/third party in Attachment 1 or 2 to this Invitation to Bid in a manner that provides verification of receipt. The District will include Exhibit A-2 with the notification. The notification to the prospective Bidder/third party who has passed the Security Clearance will set forth the date and time of the mandatory pre-Bid meeting and mandatory site tour. The District will return the \$5,000.00 deposit to prospective Bidders who have not passed the Security Clearance. The District will destroy confidential information provided by prospective Bidders/third parties following completion of the Security Screening process. The District retains ownership of all SSI. Following execution of the Contract, the District will notify all unsuccessful Bidders of this action and request that all SSI be returned to the District within thirty (30) Days from the date of the request. The District will return the \$5,000.00 deposit to unsuccessful Bidders upon return of the SSI to the District and verification of a firm's compliance with the terms of the Agreement. Following receipt of notification that the prospective Bidder has passed the Security Clearance, but no earlier than August 25, 2010, the prospective Bidders representative who has passed the Security Clearance shall purchase and pick up the Bid Documents in person from the District Secretary's office, San Francisco Bay Area Rapid Transit District, on the 23rd Floor at 300 Lakeside Drive, Oakland, California.

Documents will not be mailed. Payment for the Bid Documents will be made by either cash, check, or postal money order drawn in favor of the San Francisco Bay Area Rapid Transit District in the following amount, which includes any applicable sales tax, and is not refundable: Contract Book and Contract Drawings (Includes forms for submittal of Bids) \$100.00 BART Facilities Standards, Standard Specifications, Release R1.2, dated August 2004 (BFS): BFS Compact Disc (CD) \$ 20.00 Full.Size.Drawings.,per.sheet \$ 2.50 Copies of BART Facilities Standards, Standard Specifications, Release R1.2, dated August 2004 may be purchased as described above or may be downloaded from the District website: www.bart.gov. Copies of the Standard Specifications of the Department of Transportation, State of California, dated May 2006, can be purchased at the Caltrans Office, located at 1900 Royal Oaks Drive, Sacramento, California, telephone (916) 445-3520 or by written request to: Department of Transportation, Publication Unit, 1900 Royal Oaks Drive, Sacramento, CA 94815 or by visiting the following website, www.dot.ca.gov. Bidders are informed that all of these documents will be required in the preparation of Bids. Each Bid shall be on a prescribed Bid Form and shall be for the entire Contract including all Bid Items. The Contract Documents will not be available at public and private plan rooms. A Bidder who has passed the Security Clearance but does not wish to purchase the Contract Documents may view them by arrangement at BART's offices at 300 Lakeside Drive, Oakland, California. A request for such viewing shall be directed to the Contract Administrator, Gloria Abdullah-Lewis, at (510) 464-6547 or email gabdull@bart.gov. Viewing sessions are limited to two hours in duration. Additional sessions may be available, but are not guaranteed. Bids shall be submitted in accordance with, and subject to, the conditions contained in the Instructions to Bidders contained in the Contract Book. The District may reject any and all Bids. At the time of submitting a Bid, the Bidder must have a valid State Contractors license, Classification A, and be in good standing with the Contractors State License Board. If the Bidder is a joint venture, each of the joint venturers must have a current active license in good standing to act separately in the capacity of a Contractor within the State, in accordance with Section 7029 and 7029.1 of the State Business and Professions Code or the Bid may be rejected. Also, if the Bidder is a Joint Venture, the Bidder may submit its valid State Contractors license number, classification, and expiration date with the Bid but shall submit such information no later than 2:00 p.m. Friday of the week following the date of Bid opening to the Contract Administrator at the address indicated in the Instructions to Bidders. Any Bid submitted by a Specialty Contractor must be in compliance

with Section 7059 of the State Business and Professions Code. All work shall be performed in accordance with the Laws of the State of California. Special attention is directed to Division 2, Part 7, Chapter 1, Article 2 of the State Labor Code concerning wages. Contractor and each Subcontractor shall pay to all workers employed on the Work not less than the prevailing rate of wages as determined by the Director of the State Department of Industrial Relations or set out in the wage determination of the U.S. Secretary of Labor, whichever is higher. Pursuant to Section 1773 of the State Labor Code, the District has obtained from the Director of the State Department of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality in which the Work is to be performed and has copies available upon request from BART Procurement Department, 300 Lakeside Drive, 17th Floor, Oakland California 94612. The wage determination of the U.S. Secretary of Labor is attached hereto following Supplementary Conditions Article SC10. For a craft or classification not shown on the general prevailing wage determinations, Contractor may be required to pay the wage rate of the most closely related craft or classification shown in such determinations for Contract Work or request a wage determination from the State Department of Industrial Relations for the craft or classification. This Contract is subject to a financial assistance contract between the District and the United States Department of Homeland Security. All Bidders and certain proposed Subcontractors and subsuppliers will be required to certify that they and any such proposed Subcontractors and subsuppliers have not been debarred, suspended or declared ineligible to participate in U.S. Government contracting activity. Contractor will be required to comply with all applicable Equal Employment Opportunity Laws and Regulations. All Bidders and any proposed Subcontractors or subsuppliers of any tier receiving an amount in excess of \$100,000 under this Contract will be required to execute the "Certification Regarding Lobbying". The Bidder is responsible for forwarding all such Certifications to the District within the time frame specified in the Instructions to Bidders. This Contract is subject to San Francisco County, Equal Employment Opportunity Area Plans. The District hereby notifies all Bidders that it will affirmatively ensure that in regard to any Contract entered into pursuant to this Invitation to Bid, small, minority, women-owned and disadvantaged business concerns will be afforded full opportunity to submit Bids in response to this invitation and will not be discriminated against on the basis of race, color, sex, or national origin in consideration for an Award. The San Francisco Bay Area Rapid Transit District, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to

2000d-4 hereby notifies all Bidders that it will affirmatively ensure that in any Contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit Bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. Bidders attention is directed to the Instructions to Bidders Paragraph 6.G entitled Financial Contribution Limitations. This Paragraph details each Bidders responsibility for complying with BART Board of Directors Rule regarding financial contribution limitations. Bidders attention is directed to General Conditions Article GC9.7.1.1 which permits the substitution of securities by Contractor for any monies retained by the District to insure performance under this Contract. Each Bid shall be accompanied by a Bidder's Security equal to at least 10 percent of the total Bid Price which shall remain in full force and effect and will be held by the District until the Contract has been finally executed, after which all Bidders securities except any Bidders securities which have been forfeited, will be returned to the respective Bidders whose Bids they accompany, but in no event will Bidders securities be held by the District beyond sixty (60) Days from the Award of the Contract. The Bidders Security must be in the form of cash, a cashiers check, a certified check, a Bidders Bond, or a combination thereof. The Bidder to whom the Contract is awarded shall furnish specified Certificates of Insurance. Such Bidder shall furnish a Performance Bond and a Labor and Materials Bond (Payment Bond), each in an amount not less than 100 percent of the Contract Price. Bonds shall be on forms provided by the District and shall be executed as surety by a corporation or corporations authorized to issue surety bonds in the State of California, as an admitted surety insurer and acceptable to the District. Questions regarding this Invitation to Bid should be directed to Contract Administrator Gloria Abdullah Lewis, at (510) 464-6547 or email gabdull@bart.gov. Dated at Oakland, California, this 17th day of June, 2010 /s/ Kenneth A. Duron, District Secretary San Francisco Bay Area Rapid Transit District

ATTACHMENT 1 SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT BART CONTRACT NO. 79HM-110 SFTS SB REQUEST FOR NON-DISCLOSURE AGREEMENT FOR RELEASE OF SECURITY SENSITIVE INFORMATION FOR BIDDING PURPOSES Date:Office of the District Secretary **Via FAX (510) 464-6011** San Francisco Bay Area Rapid Transit District P.O. Box 12688 Oakland, CA 94604-2688

[Firm Name] is interested in preparing a Bid for Contract No. 79HM-110, SFTS SB. Our contractors license number is issue by the State of California. To prepare such a Bid, we wish to enter into a Non-Disclosure Agreement for Release of Security Sensitive Information for

Bidding Purposes with the San Francisco Bay Area Rapid Transit District. We request that the Agreement be sent to us for execution at the following address: or by Fax No. at:or by email at:Person signing on behalf of the firm Name:Title:Signature:Telephone No.or by Fax No. at:

ATTACHMENT 2 SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT BART CONTRACT NO. 79HM-110 SFTS SB REQUEST FOR THIRD PARTY NON-DISCLOSURE AGREEMENT FOR RELEASE OF SECURITY SENSITIVE INFORMATION FOR BIDDING PURPOSES Date:Office of the District Secretary **Via FAX (510) 464-6011** San Francisco Bay Area Rapid Transit District P.O. Box 12688 Oakland, CA 94604-2688

[Firm Name] is interested in participating in preparing a Bid for Contract No. 79HM-110, SFTS SB, on behalf of the following Bidder(s): To participate in the preparation of such a Bid, we wish to enter into a Third Party Non-Disclosure Agreement for Release of Security Sensitive Information for Bidding Purposes with the San Francisco Bay Area Rapid Transit District. We request that the Agreement be sent to us for execution at the following address: or by Fax No. at:or by email at:Person signing on behalf of the firm Name:Title:Signature:Telephone No.or by Fax No. at:

6/22/10

CNS-1887136#
DAILY CONSTRUCTION SERVICE

DCS: June 22, 2010

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